

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

In re: Robert R. McNamara,
Debtor

Chapter 7
Case No. 17-11329 – MSH

The Bank of Canton
Plaintiff,
v.

Adversary Proceeding No. 18-01022

Robert R. McNamara,
Defendant.

TRIAL EXHIBITS
(AGREED TO)

No.	Description
1	Note-1 – Promissory Note dated November 9, 2007 made by Debtor and Alice McNamara to the Bank in the principal amount of \$746,250.00
2	Mortgage - November 9, 2007, 31 Central St., Norwell, MA from Debtor and Alice McNamara to the Bank in the principal amount of \$746,250.00
3	Note-2 – Promissory Note dated February 1, 2008 made by Debtor and Alice McNamara to the Bank in the principal amount of \$50,000.00
4.	Foreclosure Documents - 31 Central St, Norwell, MA recorded Book 45708, Page 180 - 242
5.	Verified Complaint – Norfolk Superior Court Action No. 1582CV01506
6.	Injunction as to Debtor and Sparrell - Norfolk Superior Court Action No. 1582CV01506
7.	Findings and Order on Application for Assessment of Damages and Default Judgment – Norfolk Superior Court Action No. 1582CV01506
8.	Notice of Satisfaction of Judgment - Norfolk Superior Court Action No. 1582CV01506
9.	Amended Complaint - Norfolk Superior Court Action No. 1682CV01049
10.	Settlement Agreement – August 31, 2011 by and between Debtor, John McNamara, Sparrell, McNamara Associates and McNamara Liquidating Company, Inc. (with attachments)
11.	Lease – September 1, 2011 by and between McNamara Associates and Sparrell for Cohasset and Norwell Properties
12.	Deed – September 27, 2016 - Cohasset Property – McNamara Associates to Sparrell

13.	Deed – September 27, 2016 - Norwell Property – McNamara Associates to Sparrell
14.	SBA Note \$1.39Million September 23, 2016 – from Sparrell to Live Oak Banking Company
15.	Mortgage and Security Agreement – Live Oak Banking Company - September 23, 2016 (Cohasset Property)
16.	Mortgage and Security Agreement – Live Oak Banking Company - September 23, 2016 (Norwell Property)
17.	HUD-1 Settlement Statement – September 23, 2016
18.	Pre-Needs Accounting (<i>Exhibit 2Q depo 3-8-19 – McNamara Response No. 23</i>)
19.	Letter of Intent to Gift Business
20.	Deed – November 7, 2016 – from Sparrell to BM Mack Cohasset Property
21.	Deed – November 7, 2016 – from Sparrell to BM Mack Norwell Property
22.	Real Estate Purchase and Sale Agreement – November 7, 2016 between Sparrell and BM Mack
23.	Asset Purchase Agreement – November 7, 2016 between Sparrell and BM McNamara
24.	Sparrell Note
25.	Appraisal August 16, 2016 (Cohasset Property)
26.	Appraisal August 16, 2016 (Norwell Property)
27.	Licensure Documents – Massachusetts Board Embalming & Funeral Directing (<i>Exhibit AO to SJ filings</i>)
28.	Eastern Bank Line of Credit Documents (<i>Exhibit AP to SJ filings</i>)
29.	Eastern Bank – Statement November 1- 30, 2016 (<i>Exhibit AQ to SJ filings</i>)
30.	Debtor’s Ch. 7 Voluntary Petition and signature page (Case No. 17-11329 - Doc 1 and 3)
31.	Debtor’s Ch. 7 Schedules and Statement of Financial Affairs (Case No. 17-11329 - Doc 12)
32.	Sparrell Ck. No. 26650 to Debtor \$950 dated 12/22/2016 (<i>Exhibit Ar to SJ filings</i>)
33.	Sparrell – General Ledger – As of December 31, 2011
34.	Sparrell – General Ledger – Jan – Jun 2012
35.	Sparrell – General Ledger – Jan – Jun 2013
36.	Sparrell – General Ledger – Jul – Dec 2013
37.	Sparrell – General Ledger – Jan – Jun 2013
38.	Sparrell – General Ledger – Jul - Dec 2014
39.	Sparrell – General Ledger – Jan – Jun 2015
40.	Sparrell – General Ledger – Jul - Dec 2015
41.	Sparrell – General Ledger –2016
42.	Sparrell – General Ledger – January 1 – June 1, 2017 (Debtor Response No. 2)
43.	Eastern Bank – New Account Card (<i>Exhibit AS to SJ filings</i>)
44.	Eastern Bank – cancelled check packet (<i>Exhibit AT to SJ filings</i>)
45.	Eastern Bank – cancelled check packet (<i>Exhibit AU to SJ filings</i>)
46.	Unconditional Guaranty, Robert R. McNamara, Live Oak Bank, September 23,

	2016
47.	Unconditional Guaranty, Brendan McNamara, Live Oak Bank, September 23, 2016
48.	Unconditional Guaranty, Melissa McNamara, Live Oak Bank, September 23, 2016
49	Debtor's 2011 Income Tax Return
50	Debtor's 2012 Income Tax Return
51	Debtor's 2013 Income Tax Return
52	Debtor's 2014 Income Tax Return
53	Debtor's 2015 Income Tax Return
54	<i>Intentionally omitted</i>
55	Sparrell's 2012 Income Tax Return
56	Sparrell's 2013 Income Tax Return
57	Sparrell's 2014 Income Tax Return
58	Sparrell's 2015 Income Tax Return
59	Borrower's Information Form
60	Action of the Sole Shareholder and Director of Sparrell Funeral Service, Inc. Taken by Unanimous Written Consent in Lieu of A Meeting
61	Agreement of No Change
62	Assignment of Architect's Contracts
63	Assignment of Construction Contracts
64	Assurance of Compliance for Nondiscrimination
65	Borrower's Authorization to Release Information & Authorization to File Financing Statements
66	Borrower's Billing Address Certification
67	Borrower's Certification
68	Certification Pursuant to Immigration and Nationality Act as Amended by the Immigration Reform and Control Act of 1986 (Pub. L. 99-603)
69	Live Oak Bank Commitment Letter dated 7/14/2016
70	Construction Loan Agreement
71	Cooperation Agreement
72	Fee Disclosure Form and Compensation Agreement
73	Borrower Information Form
74	Indemnity Agreement Regarding Hazardous Materials
75	Sparrell Funeral Services, Inc. Profit and Loss dated January-May, 2016
76	Personal Financial Statement 7(a) / 504 Loans and Surety Bonds
77	Management Resume
78	Request for Transcript of Tax Returns Form 4506-T
79	Business Debt Schedule – Sparrell Funeral Services, Inc. dated 5/31/2016
80	Authorization for Preauthorized Payments
81	Sparrell Funeral Services, Inc. Profit and Loss dated January-March, 2016
82	Sparrell Funeral Services, Inc. Balance Sheet as of March 31, 2016
83	Certification of Tax Return / Financial Statement
84	Statement of Purpose for Business Loan

Respectfully submitted by the Parties,

The Plaintiff,

The Defendant,

The Bank of Canton,

Robert R. McNamara,

By its Attorneys,

By his Attorney,

/s/ Michael A. Wirtz

/s/ Joseph G. Butler

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Dated: February 17, 2020